

[Music playing in the background]

[No other audio]

[Image of a calendar with days marked off and broken wedding rings]

When is the right time to divorce?

Presented by: farzadlaw.com

[Image of a woman painting]

Deciding when to divorce is one of the most personal, introspective decisions a husband or wife may make.

[Images of two couples standing next to their partners]

No two situations are identical, and therefore timing may vary greatly from one couple to another.

[Image of a mother, father, and two kids]

Despite these differences, our divorce attorneys believe there are certain foundational elements that help with the timing question.

We will go through the top five questions you should ask yourself when deciding when it is time to divorce.

[Image of two hands opening up a book]

When deciding whether it is time to divorce, take Family Code 70 into consideration.

Family Code 70 states: "(a) "Date of separation" means the date that a complete and final break in the marital relationship has occurred, as evidenced by both of the following:

(1) The spouse has expressed to the other spouse his or her intent to end the marriage.

(2) The conduct of the spouse is consistent with his or her intent to end the marriage.

(b) In determining the date of separation, the court shall take into consideration all relevant evidence.

(c) It is the intent of the Legislature in enacting this section to abrogate the decisions in *In re Marriage of Davis* (2015) 61 Cal.4th 846 and *In re Marriage of Norviel* (2002) 102 Cal.App.4th 1152."

[Image of a Polaroid picture featuring a couple thrown into a trash can]

1) Has there been a final breakdown in the marital relationship?

Have you subjectively concluded you no longer want to be married to your spouse? Y or N?

Have you communicated that to your spouse? Y or N?

Have you engaged in the objective conduct consistent with that final breakdown in the marital relationship? Y or N?

[Image of two homes spaced out from one another]

If the answer to all of the previous questions is yes, then perhaps you already started living your separate life from your spouse.

If you have subjectively and objectively achieved a final breakdown of the marital relationship, consider whether that is a strong signal and whether it may be time to proceed with the divorce.

[Image of a couple's ripped up picture]

2) Has the trial separation failed or was it futile to try?

[Image of two homes separated by a divider]

A trial separation intends to give the spouses time and space from each other while they attempt to work on the marital relationship or determine if it is their desire to do so.

[Image of a couple separated by a broken heart]

However, a trial separation that failed to restore the marital relationship may indicate a divorce makes sense. Similarly, a divorce may be the best option if a trial separation seems hopeless.

[Image of a woman sitting on furniture and reading a book]

3) What is the benefit of waiting?

[Images of a first-aid kit, syringe, and broken piggy bank]

Divorce may not be the best option for isolated situations if they are temporary (not long-term) and do not necessarily reflect a breakdown in the marital relationship, such as: temporary physical illness, temporary chemical dependence, and temporary financial challenges.

[Image of a woman practicing yoga in her living room]

4) Are you mentally prepared to start your new life?

[Image of a man drinking coffee while sitting on furniture and looking outside]

You should not ask this question when you are in an emotional state.

Divorce can be very stressful.

You might benefit from speaking to a licensed psychologist (PhD) or marriage and family therapist (MFT).

[Image of a woman using her laptop]

5) Are you financially able to withstand a divorce right now?

Financial ability could include:

Financially providing for:

[Images of a man, a man with his two children, and his wife]

Yourself, your children, and your spouse

[Image of a dollar sign]

Obtaining access to money

[Image of a house]

Knowing where you will reside during the divorce

Read our informative article on knowing when it is time to divorce to learn more...

[Image of a pair of hands reading an article on a mobile phone]

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[Image of a Wi-Fi symbol]

[Image of an outline of California with three office building photos]

We have offices in Los Angeles, Orange County, and San Diego.

[Image of the U.S. Bank Tower]

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[Farzad & Ochoa logo]

California Family Law Attorneys For Good And Honest Men And Women.

[Image of a rectangle outline]

Contact us for a strategy session

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[Image of a square that reads F&O.]

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